

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 5, 2011

PRESENT: Marshall, Barboza, Teixeira, Herreshoff and Parella

ALSO PRESENT: Diane C. Mederos, Town Administrator
Andrew M. Teitz, Esq., Asst. Town Solicitor

ABSENT: Marshall J. Netto, Town Sergeant

The Council met in regular session in the Town Hall, Council Chambers on Wednesday evening, January 6, 2011 beginning at 7:05 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall wished all present to have a Happy New Year and also thanked the Council for placing their trust in him by electing him to the position of Council Chairman.

Council Chairman Marshall also noted that when the Council assumed office in 2008 the economy was difficult and that this remains to be the case.

He added that the Council does not possess "all of the answers" and that it will indeed make mistakes and learn from these.

He also added that the Council is privileged to "work with a great group of people" including the various Town officials, employees and also the citizens.

Ms. M. Candace Pansa, Executive Director, Bristol Housing Authority - Presentation of PILOT check

Ms. Pansa, representing the Housing Authority reviewed the Authority's Annual Report and revealed that the full-color brochure was the first one so published by the Authority. She added that the Authority also has a new logo consisting of a symbolic bridge and a red, white and blue sailboat.

Ms. Pansa also thanked the Council for its continued support and also extended the thanks of the Authority to Town Administrator Mederos and the Clerk for their work and cooperation with the Authority.

Ms. Pansa presented a check as payment in lieu of taxes (PILOT) in the amount of \$62,874.00.

Council Chairman Marshall accepted the check with thanks on behalf of the Town and, noting the Annual Report, agreed with Ms. Pansa that this was a good public relations tool and that public relations was "a critical component to the

Town's success."

SPECIAL RECOGNITION

Bristol Snowflake Raffle Committee

Council Chairman Marshall read and presented the following commendation:

*State of Rhode Island and Providence Plantations
Town of Bristol
Commendation
awarded to the*

*Bristol Snowflake
Raffle Committee*

*in grateful recognition of its efforts for Bristol's
economic development.*

*As the duly elected representatives of all of the
citizens of the Town of Bristol, the Honorable Town
Administrator and Honorable Town Council of said Town
of Bristol, State of Rhode Island and Providence
Plantations, individually, collectively, and by these
presents, extends greetings and offers sincerest
congratulations to the Bristol Snowflake Raffle
Committee. We applaud its successes, and express
admiration for its innovative idea in promoting
commerce in the Town of Bristol. We further
congratulate, in earnest, all of the raffle prize
winners and also express our shared desire that this
fine event will be repeated well into the future.*

*IN WITNESS WHEREOF we have hereunto set our hand and
affixed the Seal of the Town of Bristol, this 5th Day
of January, A. D. 2011.*

*/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Chairman
/s/ David E. Barboza, Vice-chairman
/s/ Antonio A. Teixeira, Councilman
/s/ Halsey C. Herreshoff, Councilman
/s/ Mary A. Parella, Councilwoman*

Attest: /s/ Louis P. Cirillo, CMC, Town Clerk

Council Chairman Marshall noted that the Committee reports revenues to local businesses of \$1.5 million related to the raffle.

Raffle Committee members present indicated that the event should be held annually into the future.

Council Chairman Marshall noted the receipt of a DVD of the recent forum held in Bristol with Department of Education Commissioner Deborah Gist. Council Chairman Marshall asked that this program might be made available on the Town's website. Mike Davis agreed to provide same to the webmaster.

Council Chairman Marshall noted the presence of Kevin Cute of the Rhode Island Coastal Resources Management Council (CRMC) this evening to address matters relating to the Town's Harbor Management Plan (agenda items C1 and D1). He explained that the Council would hear this matter at this time in order to accommodate Mr. Cute.

Council Chairman Marshall also asked that agenda item K11 might be discussed at this time.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Barboza/Parella - Voted unanimously to approve the Consent Agenda withholding agenda item R17 and combining same with Agenda item B2.

Prior to the vote taken, Council Chairman Marshall informed the Council that he would prefer to withhold agenda item R17 and combine it with agenda item B2.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - November 10, 2010

Barboza/Herreshoff - Voted to approve these minutes as prepared and presented. Voting in favor of this motion were Council members Marshall, Barboza, Herreshoff and Parella. Councilman Teixeira abstained from the vote.

Prior to the vote taken, Councilman Teixeira explained his intention to abstain from the vote on this matter since he was not a member of the Town Council at the subject meeting.

2. Town Council Special Meeting - November 15, 2010

Barboza/Herreshoff - Voted to approve these minutes as prepared and presented. Voting in favor of this motion were Council members Marshall, Barboza, Herreshoff and Parella. Councilman Teixeira abstained from the vote.

Prior to the vote taken, Councilman Teixeira explained his intention to abstain from the vote on this matter since he was not a member of the Town Council at the subject meeting.

3. Town Council Twentieth Re-organizational Meeting - December 8, 2010

Herreshoff/Teixeira - Voted unanimously to approve these minutes as prepared and presented.

(CA) AA. SUBMISSION OF MINUTES-Boards and Commissions

Approval of consent agenda="Motion to receive and place these items on file."

1. Historic District Commission - October 19, 2010
2. North and East Burial Grounds Commission - June 28, 2010
3. North and East Burial Grounds Commission - September 27, 2010
4. Bristol County Water Authority - Board of Directors, October 13, 2010
5. Bristol County Water Authority - Audit Finance Committee, November 3, 2010
6. Bristol County Water Authority - Engineering Committee, November 3, 2010
7. Bristol County Water Authority - Public Relations/Personnel Committee, November 3, 2010
8. Bristol Housing Authority - Board of Commissioners, October 14, 2010

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9. Mosaico CDC - Board of Directors, October 22, 2010
10. Substance Abuse Prevention Task Force - October 18, 2010
11. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - May 13, 2010
12. Animal Shelter Capital Project Committee - October 21, 2010
13. Bristol Warren Regional School Committee - bi-monthly meeting, October 25, 2010
14. Bristol Warren Regional School Committee - special meeting, November 8, 2010
15. Board of Fire Engineers - November 29, 2010
16. Historic District Commission - November 4, 2010
17. Historic District Commission - special meeting, November 10, 2010
18. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - November 18, 2010
19. Bristol County Water Authority - Board of Directors, November 10, 2010
20. Bristol County Water Authority - Audit Finance Committee, December 1, 2010
21. Bristol County Water Authority - Engineering Committee, December 1, 2010
22. Bristol County Water Authority - Public Relations/Personnel Committee, December 1, 2010
23. Harbor Commission - December 6, 2010
24. Bristol Housing Authority - Board of Commissioners, November 10, 2010
25. Planning Board - October 19, 2010

B. OLD BUSINESS

1. (Draft) legislation provided by Town Solicitor Ursillo re ratification and validation of approved amendments to the Bristol Home Rule Charter by the electors on November 2, 2010
 - a. (Draft) resolution provided by Town Solicitor Ursillo re enactment of above-noted legislation during 2011 session
 - b. Amendments of the Bristol Home Rule Charter (adopted November 2, 2010)
 - c. Council Chairman Marshall re approved Town Charter amendments concerning appointments

Barboza/Teixeira - Voted unanimously to adopt the resolution as prepared and presented; authorizing the Chairman to sign on behalf of the Council, and to forward same to the local General Assembly delegation for affirmation by the Assembly.

Prior to the vote taken, Council Chairman Marshall observed the approved Charter changes and asked if all expenditures in excess of \$25,000 must be put out to bid.

Assistant Solicitor Teitz responded that the Charter change in question requires a public hearing prior to all non-budgeted expenditures in an amount exceeding \$25,000 but that there not specifically a bidding requirement beyond what was previously obligatory.

Council Chairman Marshall stated that the provision appeared to be unclear and that he would question if appointments resulting in any expenditure in excess of \$25,000 would be subject to new scrutiny.

Assistant Solicitor Teitz responded that this would be the case only if the appointment resulted in an un-budgeted expenditure. He explained further that if the Council decided to pay for anti-LNG counsel for \$30,000 and if this amount was not in the Town budget but would rather be coming

from unallocated surplus or borrowing, this would require a public hearing.

Councilwoman Parella asked to know if a combination of expenditures would exceed \$25,000 with Assistant Solicitor Teitz responding that the Council cannot legally circumvent the requirement by "splitting up" the expenditure into component amounts.

Council Chairman Marshall stated that his only concern is that he would like to be confident that the Council is abiding by the Charter provisions.

Councilman Herreshoff asked to know if this new provision would impact a "shift of funds" such as to repay an insufficient snow-removal account with Assistant Solicitor Teitz agreeing to research this matter.

Town Treasurer Goucher stated that she did not believe that this would be an issue since the amount was budgeted and part of which was already allocated for government operations. She further stated that she interprets the provision to consider only those items which impact the "bottom line" of the annual budget.

Councilwoman Parella stated that she would be concerned if the scenario as described by the Treasurer was not the case since the Council often under-budgets "gas and oil" accounts as "can you try to live with that amount" attempt during budget time. She noted that it would be "crippling" to disallow this past practice.

Councilman Herreshoff asked to know if the Solicitor prepared the resolution and bill to be submitted to the legislature with Assistant Solicitor Teitz responding affirmatively.

Councilman Barboza asked to know if the amended provisions of the Charter were now in effect with Assistant Solicitor Teitz responding that these likely are but in an overabundance of caution, and for assurance that these are compliant with the provisions of State Law, the Town asks the General Assembly to ratify these. He termed the practice "belt and suspenders."

2. Council Clerk Cirillo re LNG Matching funds to Save the Bay (Notification #5 - November 1, 2010 through November 30, 2010)

Herreshoff/Barboza - Voted unanimously to instruct the Clerk to correspond with Jonathan Stone and request both an interim report on the expenditure of funds and also to enquire as to any further assistance which might be requested of the Council.

Barboza/Herreshoff - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Council Chairman Marshall observed that \$6,785 remains in the Town's "matching funds" account.

Councilman Herreshoff suggested that the fundraising effort on behalf of Save the Bay may be "drying off." He further suggested that the Clerk may ask Mr. Stone to provide a report on his group's efforts thus-far and also to determine if additional needs are anticipated.

Council Chairman Marshall noted the letter appearing as agenda item R17 with Assistant Solicitor Teitz reporting that he, Assistant Town Solicitor Jeanne Scott and Town Administrator Mederos met in a "strategy session" in December and that the matters as outlined in the Solicitor's letter are being pursued.

Council Chairman Marshall asked to know if the League of Cities and Towns (RILOCAT) will be joining in the anti-LNG efforts with Town Administrator Mederos responding that the matter is on the RILOCAT agenda.

Council Chairman Marshall noted that there was some anti-LNG legislation before the U. S. Senate with Councilman Barboza noting that this legislation did not pass.

3. David G. Bebyn, CPA, Vice President, B&E Consulting, LLC to Town Solicitor Ursillo re amendments to B&E proposal for a performance audit of the Bristol County Water Authority

Barboza/Herreshoff - Voted unanimously to approve and authorize the performance audit incorporating those amendments so noted and also to receive a copy of the full-request for proposals at

the meeting to be held on January 26, 2011.

Prior to the vote taken, Council Chairman Marshall noted that this agenda item is provided as follow-up to a matter discussed in an earlier meeting. He further explained that the Council agreed earlier to expend up to \$10,000 for its share of a performance audit and also that the Towns of Barrington and Warren and the Bristol County Water Authority (BCWA) had agreed to an identical amount each.

Council Chairman Marshall added that he and the Council presidents of Barrington and Warren and the Towns' solicitors were charged with working on the RFP and interview of the prospective auditors and that it was now time to move forward with the proposal.

Council Chairman Marshall informed those present that the sole proposal was received from B and E and that the interview determined that the firm was capable of performing the required work. Council Chairman Marshall explained that during the discussions with the audit firm, the firm ultimately agreed to a reduced fee, added a rate study and review of the BCWA pension program, and added a PUC component.

Council Chairman Marshall further explained that eliminated from the proposal was a requirement to conform to the provisions of the Government Auditing Standards "Yellow Book" and the cost benefit of purchase versus product revenue source.

Council Chairman Marshall reported that Barrington and Warren have accepted this amended proposal and have signed same.

Council Chairman Marshall encouraged the Citizens Watch Committee to be a component of the process moving forward and that it was now the responsibility of the Council to accept the amended proposal and allow it to proceed.

Councilman Barboza asked to know why the cost-benefit component was eliminated with Council Chairman Marshall explaining that this component appeared to be redundant since it was already examined as part of the PUC rate assessment. He added that there were engineering studies that also considered this issue.

Councilman Herreshoff questioned whether the B and E proposal is adequate since he is of the opinion that the

Council wishes to study how BCWA "runs its business." He further stated that he would like to know if the employees receive excessive wages and/or if there are too many employees. He expressed concern that the proposal may "muddy the waters."

Council Chairman Marshall suggested that the State Water Resources Board must be a partner with the Towns and the Authority as an "overseer" to determine if the Towns are adequately served. He added that the overseer would make a determination whether or not an improvement is warranted. Council Chairman Marshall added that the Public Utilities Commission (PUC) regulates the cost to the consumers.

Councilwoman Parella asked to know if the PUC regulates the wholesale water rate with Council Chairman Marshall responding that the PUC regulates both the wholesale and retail rates.

Councilman Teixeira stated that he had specific questions regarding the BCWA's running of its business. He noted that the Authority's legal fees appear to have doubled recently to \$179,000. He also noted an expenditure of miscellaneous legal fees totaling \$33,000 and that there is a complaint filed with the Attorney General of \$79,000.

Councilman Barboza suggested that the Council should receive a corrected, complete copy of the RFP for its next meeting.

Councilman Teixeira suggested that the Council may wish to have its appointed BCWA directors at its next meeting.

Council Chairman Marshall agreed that this would be helpful. He added that Director Frank J. Sylvia informed him that he would be willing to come to Town Council meetings regularly should the Council so desire. Council Chairman Marshall also explained that he discussed this matter with Sen. Christopher Ottiano who agreed to participate if necessary. Council Chairman Marshall added that he would like to have the State Water Resources Board become part of the review.

Councilwoman Parella observed that the Town's appointed Directors have always expressed a willingness to be available for the Council. She added that she believes that the information sought by Ms. Peterson et al is different from the Town's goal of the audit. She added that while a member of the General Assembly she (Councilwoman Parella) sought to keep the traditional Bristol Water Company's source (Shad Reservoir, etc.) remain available as a back-up to the cross-bay pipeline and also that that Warren

treatment plant should remain operational. Councilwoman Parella added that she was not certain if the PUC regulates the wholesale rates of the Scituate water. She added that it is "inexcusable" that the BCWA has not remedied the local water source problems in over twenty (20) years.

Councilwoman Parella again noted that the matters relating to the water source and the "business" audit should not be comingled and expressed concern that the questions posed by Ms. Peterson and others are moving the topic away from its intended purpose.

Councilwoman Parella also noted that any decision to get water exclusively from Providence and abandon totally the traditional water sources represents a "huge policy decision."

Councilman Barboza stated that he was in agreement with Councilwoman Parella. He also welcomed the questions posed by Ms. Peterson but explained that the Council currently has no answers to these questions.

Council Chairman Marshall suggested that the questions as posed by Ms. Peterson should be forwarded to Bristol's BCWA Directors and ask the Directors to be present at the meeting planned for January 25, 2011. Council Chairman Marshall added that he plans to be present at that meeting also.

Councilman Herreshoff stated that he expects that the BCWA will be "defensive." He added that he would prefer if the Authority would cooperate versus being defensive.

- a. Marina Peterson, 38 Thompson Avenue, on behalf of the Bristol East Bay Patriots Citizens' Watch Committee re objection to proposed BCWA "Efficiency Audit" and request for attendance of the Council and Town of Bristol appointed directors of BCWA at the open meeting to be held on January 25, 2011

Barboza/Herreshoff - Voted unanimously to continue this matter until the meeting to be held on January 26, 2011 and to forward this matter (along with a copy of the submissions as provide by Ms. Peterson et al) to the three Bristol BCWA Directors and also the Chairman of the Authority,

requesting that they should be present at the meeting to be held on January 25, 2011 and also that they may provide engineering expertise in order to respond to the questions posed. Inform the Towns of Barrington and Warren also.

Herreshoff/Barboza - Voted unanimously to co-sponsor the "open meeting" as so noted in the correspondence from Marina Peterson and also to instruct the Clerk to arrange to make available either the Mt. Hope High School Auditorium (preferred) or the Kickemuit Middle School Auditorium (alternate) on behalf of the Town.

Prior to the vote taken, Ms. Peterson noted the Citizens' Watch Committee's request that the Council should delay its appropriation until after its meeting to be held on January 25, 2011.

Council Chairman Marshall explained that the Council had agreed to the expenditure some time ago and that this evening's vote was essentially to ratify what had been already agreed.

Ms. Peterson expressed concern that the Council may be "putting good money after bad" and that the citizens' group would prefer answers concerning the issue of Scituate water versus Shad water.

Council Chairman Marshall noted that the matter would be addressed in the rate study as proposed.

Ms. Peterson expressed concern that the Council may not be totally aware of the contents of the proposal. She added that she is concerned that the Rogers Free Library Herreshoff Meeting Room holds only eighty-five (85) persons and that she cannot afford to pay \$500 to utilize the Mt. Hope High School Auditorium.

Councilwoman Parella explained that the Towns of Bristol, Warren and Barrington, along with the BCWA, agreed to conduct an audit of the Authority's business practices. She added that the questions posed by Ms. Peterson and her group appear to be more focused on the source of the water.

Councilwoman Parella also again expressed concern that the traditional water sources should not be abandoned permanently lest the Towns would lose control over these and be subject to excessive wholesale water rates. She expressed further concern that any such move would be "backward."

Council Chairman Marshall agreed with Councilwoman Parella that the Towns should be concerned regarding the loss of control over the water source.

Councilman Barboza asked to know why Ms. Peterson would have to pay \$500 to utilize the High School with Ms. Peterson responding that the School requires \$549 for insurance for the meeting.

Councilman Herreshoff asked to know if the Library meeting room needed insurance with Ms. Peterson explaining that the Library room was available to her but that its capacity was inadequate for this meeting. She added that she anticipates a larger attendance than the meeting room can accommodate.

Councilman Barboza suggested that the Town may wish to co-sponsor the meeting and also that the Town's insurance would cover such an event.

Joseph DeMelo of 3 Roosevelt Drive stated that he was concerned that the citizens paid for three water sources (East Providence connection, the traditional water source reservoirs, and the cross-bay pipeline) and only the cross-bay pipeline is operational.

Mr. DeMello also noted that the Authority is allowed 7 million gallons of Scituate water per day and utilizes only 5 million.

He expressed concern that the Town of Rehoboth (location of the Shad Reservoir) is "not with us and never has been."

He expressed further concern that the BCWA appears to have no back-up plan and that the Authority should perhaps consider a desalinization plant since this technology is now available.

Mr. DeMelo expressed concern that the treatment plant will yield an insufficient amount of water for the Authority's 16,000 hookups. He repeated that a back-up was needed and questioned the cost-effectiveness of the Shad as same. He again noted that the solution may be a desalinization

project and speculated that the Shad project will likely cost more than a desalinization plant.

Councilwoman Parella noted that the questions posed by Mr. DeMelo were excellent for the meeting planned for January 25. She added that she hoped that there would be a good panel of experts available who may be capable of answering the questions posed by Mr. DeMelo and others.

Jeff Black of Barrington expressed concern that the rate study was not included in the audit proposal with Council Chairman Marshall explaining that the Council had already voted on the proposal.

Mr. Black informed the Council that he must have arrived after the vote was taken.

Council Chairman Marshall noted that the Council will forward the questions posed by Ms. Peterson's group to the Bristol BCWA Directors.

Mr. Black expressed concern that the Council did not have the full-proposal before them when they voted with Council Chairman Marshall responding that the Council reviewed the original proposal previously and that the Council only considered an amendment to the proposal at this meeting.

Mr. Black noted that the Barrington Town Council approved the proposal making a change on page 7.

4. Domenic Raiola, 45 Shore Road re flooding from spring storms, **continued from November 10, 2010**

Teixeira/Herreshoff - Voted
unanimously to continue this matter
until the meeting to be held on
January 26, 2011.

Prior to the vote taken, Town Administrator Mederos reported that she recently spoke with George Carvalho, State Director for U. S. Sen. Sheldon Whitehouse, who informs her that Mr. Raiola will be issued a "letter of map amendment" which should aid him in his FEMA claim.

Council Chairman Marshall noted that he has "serious confidence" that Mr. Raiola will be able to re-file his claim once he receives this letter.

5. Councilwoman Parella re Garfield Avenue (Mary Gaspar), **continued from November 10, 2010**

Barboza/Teixeira - Voted
unanimously to continue this matter
until the meeting to be held
January 26, 2011.

Prior to the vote taken, Council Chairman Marshall suggested that this matter might be combined with agenda item J2.

The Clerk noted receipt of a brochure from RI Hope and distributed same to the Council.

Council Chairman Marshall suggested that a copy of this brochure might be placed on the Town's bulletin boards.

Stacey Sadlier, Team Leader, RI Hope informed the Council that her organization is designed to provide assistance to those who were somehow impacted by the floods occurring last spring. She noted that the organization is funded through a Federal Grant and that the grant period runs through April and May of this year.

Ms. Sadlier reported that her group is now beginning its media campaign to help identify those in need and that they are also working with the United Way (211) and the East Bay Community Action Program (CAP). She noted that the group has a website www.rihope.ri.gov and a telephone number of 877-854-6202. She also suggested that prospective clients may call the United Way's "211" line for assistance. She added that the group will begin a door-to-door canvass in Bristol during February.

Councilman Barboza asked to know the group's criteria for finding clients with Ms. Sadlier explaining that this will be determined via their door-to-door campaign and also through referrals. She added that some of these referrals have been obtained from FEMA.

Councilwoman Parella asked to know if the agency was a Gateway care provider with Ms. Sadlier responding affirmatively. She added that the group is also affiliated with the Kent Center.

Ms. Sadlier also informed the Council of her plan to have their door-to-door campaigners identified at the police station.

Mrs. Gaspar invited the Council to visit her property and to survey her reported damage.

Council Chairman Marshall noted that the East Bay CAP may be able to aid Mrs. Gaspar. He added that he understands of Mrs. Gaspar's concerns regarding opening her door to strangers and offered to provide Town officials to be present when strangers from government agencies may wish to view her property.

Mrs. Gaspar noted that National Grid worked on the gas mains in the street on December 5, 2010 across the street from her home. She added that the water authority 'undermined' the utility service in the street. She expressed concern that this undermining may have also impacted the sewer line.

Mrs. Gaspar also explained that the catch-basin adjacent to 3 Woodlawn Avenue is in need of cleaning and examination by camera.

Council Chairman Marshall asked Town Administrator Mederos to provide a report concerning the cleaning and repair of this particular catch basin.

6. Christopher Gray, Chairman, LNG Working Group
re distribution of the resolutions in
opposition to Hess Weaver's Cove LNG proposal

Herreshoff/Parella - Voted
unanimously to combine this agenda
item with agenda items B7 and B7a.

Herreshoff/Barboza - Voted
unanimously to adopt a resolution
in favor of the resolution provided
in principle and urge those in
authority to reduce support of Hess
and also to send a letter to the
new State General Treasurer who may
have thoughts and ideas concerning
this matter.

Prior to the votes taken, Councilman Herreshoff stated that he agreed in principle with this action but the elimination of Hess holdings from the Town's portfolio may be impossible due to the complexity of the investments. He stated also that those in opposition to the Hess LNG plan should not purchase gasoline from the company.

Councilwoman Parella noted that the gasoline stations are typically locally owned.

Councilwoman Parella noted that the anti-Apartheid movement successfully caused the divestiture of certain related securities.

Town Treasurer Goucher reported checking with State officials concerning this matter and found that it would be very difficult to assure a divestiture of Hess stock.

7. Councilman Herreshoff re request to join in boycott of Hess stock
 - a. Town Treasurer Goucher re Employees' Retirement System of Rhode Island (ERSRI) investments in Hess

It is hereby noted for the record that discussion and action concerning this matter was taken-up as part of agenda item B6 above.

8. Director of Community Development Williamson re Low-Moderate Income Housing

Barboza/Teixeira - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Director of Community Development Williamson provided a report concerning the Town's achievement of 6.15% versus the goal of 10% affordable housing.

Councilman Herreshoff asked to know if the 10% is 'real' with Director of Community Development Williamson reporting that this amount is a State goal. She added that the Town requires that all new developments should have an affordable housing component.

Director of Community Development Williamson also reported that the needs of the community are identified and also incorporated in the affordable housing plan.

Councilman Herreshoff asked Director of Community Development Williamson to prepare a "white paper" concerning this matter.

Councilwoman Parella stated that the Town is responsible to adopt the plan and that the Council must "keep on top of it."

9. Councilman Herreshoff re Trees involved in Hope Street Project

Barboza/Teixeira - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Councilman Herreshoff stated that the Council should have a face-to-face meeting with the State Department of Transportation regarding this project.

Council Chairman Marshall reported that the tree component of the project is one of the final steps. He added that the project has a tree "allowance" and that the Town can add funds to this allowance in order to get more or larger trees. He also explained that the Town may be able to purchase larger specimens or larger-growing species of trees.

Councilman Herreshoff stated that the matter should be thoroughly explored and agreed to and that the Town will otherwise "get little tiny bushes."

Town Administrator Mederos reported that she is working with the State regarding this matter and would prefer if the State would pay for the appropriately sized trees.

Council Chairman Marshall suggested that the Town should host a workshop including the Department of Transportation, the Council, Town Administrator Mederos and the various department heads. He noted that remaining are concerns regarding lighting and other matters. He added his particular concern that the project plan considers the least-negative impact to the operation of business and that the DOT budget for the project should include funds to bring customers to the doorsteps of the various businesses.

Councilman Herreshoff stated that there is a need to assure that the project is clear and guided and completed step-by-step.

Councilman Barboza stated that the DOT has addressed the issue of the operating businesses and has agreed to maintain access.

Director of Community Development Williamson reported that the DOT plans to place signage indicating that the businesses in the work area are open and operating.

Council Chairman Marshall expressed concern that the contractors might "run" the project and that they will not be sensitive to the needs of the businesses and the customers.

Director of Community Development Williamson noted that the DOT is and has been "very willing to come to the table." She added that the project manager appears to be very conscientious and that she "feels good" about the management of the project at the State level.

Councilman Herreshoff added that he is persuaded that the plan not to widen the street is correct but is not convinced regarding the elimination of parking spaces along the easterly side of the street. He asked to know if the Town may decide this ultimately or will the State require that these be removed permanently. He added that the Town should endeavor to add parking spaces elsewhere if Hope Street loses parking spaces.

Town Administrator Mederos reported that the Town has been monitoring the area in question and finds that it is not heavily used. She speculated that those motorists who have experienced lost side-mirrors do not return to the area.

Councilwoman Parella noted that the street nearby Leo's does not appear to be as tight as the portion further south.

Council Chairman Marshall noted that the State Traffic Commission typically complies with the Town's requests to change parking arrangements.

Nancy Horne of 1014 Hope Street suggested that tree questions might be referred to Recreation Director Burke since the trees planted at the Town Beach parking lot appear to be of superior quality.

Councilwoman Parella noted her previous suggestion that the project might include designating some of the Pick N Pay parking spaces as public spaces.

Town Administrator Mederos stated that she tried to arrange a meeting with the property owner but that the gentleman has not been available to discuss this issue.

Council Chairman Marshall asked Director of Community Development Williamson to facilitate another workshop concerning this matter at a location with a larger capacity than the Statehouse meeting room which was found to be too small to adequately accommodate the various participants. He suggested either Town Hall Council Chambers or the Burnside Memorial Building.

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

1. Director of Community Development Williamson re Harbor Management Plan update, **2nd reading for adoption**

- a. (Draft) Harbor Management Plan update
- b. Synopsis of updates to Harbor Management Plan
- LATE ITEM** c. Supplemental updates

Barboza/Teixeira - Voted
unanimously to continue this public
hearing until January 26, 2011.

It is hereby noted for the record that discussion and action regarding this agenda item took place prior to consideration of the Consent Agenda as noted above.

Prior to the vote taken, Council Chairman Marshall opened the Public Hearing.

Director of Community Development Williamson explained that this public hearing was to consider certain amendments to the Town's Harbor Management Plan and that an update is required every five (5) years. She added that the Harbor Commission worked on the Plan and also Steven Roth completed the verbal edits and Assistant Harbor Master Calouro edited the maps.

Director of Community Development Williamson further reported that Kevin Cute of the Coastal Resources Management Council (CRMC) was present this evening in support of the plan and that the plan remains in need of its water quality data and that she anticipates this information will be available prior to the next Council meeting.

Mr. Cute thanked the Council for accommodating his schedule and also explained that the plan, as prepared, was "in good shape." He noted that some information was yet to be forthcoming and that there were some minor errors in the maps. He noted that the plan was otherwise "consistent." He added that the Army Corps of Engineers and the Statewide Planning office had reviewed the plan positively and that the remaining "water quality" section must be completed and approved by the State Department of Environmental Management.

Mr. Cute explained that he would work with the Town on the map revisions and also that he was comfortable to recommend interim approval of the plan pending the maps and water quality report.

Mr. Cute also reported that the approval is now completed "in house" by CRMC and is no longer Category "B."

Mr. Cute noted that the plan was "a good job done by good people."

There was no further remonstrance presented in favor of the plan.

Speaking in opposition was John Healey of 10 Dolly Drive. Mr. Healy raised an objection to the plan, noting that the plan indicates in Section HM3 that the Harbor Master's job description is not complete. He informed the Council that the job description remains to be completed and suggested that the plan should reflect a six (6) month time frame to complete this task.

There was no further remonstrance presented in opposition to the plan.

D. ORDINANCES

1. Director of Community Development Williamson re Harbor Management Plan update, **2nd reading for adoption** (see items C1-C1c also)

Barboza/Teixeira - Voted
unanimously to continue this matter
until the meeting of January 26,
2011.

It is hereby noted for the record that discussion and action regarding this agenda item took place prior to consideration of the Consent Agenda as noted above.

(CA) E. BUDGET ADJUSTMENTS

Approval of consent agenda="Motion to approve these adjustments."

1. Tax Assessor Spagnolo - Recommended Abatements & Additions for January, 2011

(CA) F. APPOINTMENTS

Approval of consent agenda="Motion to approve advertising these Appointments."

1. Public Service Appointments
 - a. Board of Tax Assessment Review (term to expire December 2013)
 1. Albert E. Proffitt, 10 Fort Hill Road - interest/reappointment
 - a. Recommendation - Thomas M. Carroll, Chairman, Republican Town Committee
 - i. Council Clerk Cirillo to Thomas M. Carroll, Chairman, Republican Town Committee re appointment

Councilman Barboza nominated Mr. Proffitt for reappointment.

There were no counter-nominations.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Proffitt with term to expire in December 2013.

- b. Board of Tax Assessment Review - Alternate Members (pursuant to attached Home Rule Charter amendment approved by electorate on November 2, 2010)

Parella/Barboza - Voted unanimously to instruct the Clerk to follow the

usual protocol regarding the appointment of regular members of this Board in order to fill the new positions.

- c. Conservation Commission (3) (terms to expire December 2013)
 - 1. Raymond P. Payson, 131 Ferry Road - interest/reappointment
 - 2. Lindsay Green, 73 Union Street - interest/reappointment
 - 3. Owen E. Trainor, 3rd, 198 High Street - interest/reappointment

Councilman Barboza nominated Mr. Payson, Ms. Green, and Mr. Trainor for reappointment.

There were no counter-nominations.

Barboza/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Mr. Payson, Ms. Green, and Mr. Trainor with terms to expire in December 2013.

- d. Juvenile Hearing Board (term to expire December 2013)
 - 1. Oryann Lima, 73 Franklin Street - interest/reappointment
 - 2. Susan Cheshire, 33 Wapping Drive - interest/appointment
 - 3. Sean McCormack, 66 Ferry Road - interest/appointment

Councilman Barboza nominated Ms. Lima for reappointment.

There were no counter-nominations.

Barboza/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Ms. Lima

with term to expire in December 2013.

Prior to the vote taken, the Clerk noted that Mr. McCormack does not qualify to serve on this board since he does not possess the residency requirement. He added that Mr. McCormack has also applied to be a member of the Redevelopment Agency as noted below.

Council members asked that Ms. Cheshire might be asked to consider another vacancy since she possesses good qualifications to serve.

e. Personnel Board (term to expire December 2014)

1. Joseph DeMelo, 3 Roosevelt Drive - interest/reappointment

Councilman Teixeira nominated Mr. DeMelo for reappointment.

There were no counter-nominations.

Teixeira/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. DeMelo, term to expire in December 2014.

f. Redevelopment Agency (2) (terms to expire December 2015)

1. Ronald J. Rodrigues, 209 Hope Street - interest/reappointment

2. Robert Aldrich, 7 Fox Hill Avenue - interest/reappointment

LATE ITEM

3. Sean McCormack, 66 Ferry Road - interest/appointment

Councilman Barboza nominated Messrs. Rodrigues and Aldrich for reappointment.

There were no counter-nominations.

Barboza/Herreshoff - Voted unanimously to close nominations, instruct the Clerk to cast one ballot each in favor of Messrs.

Rodrigues and Aldrich, term to expire in December 2015 and also to set an interview for Mr. McCormack at the convenience of the parties.

- g. Redevelopment Agency - Alternate Members (2) (to fill vacancy of Second Alternate, unexpired term to expire December 2011 and Third Alternate, term to expire December 2012)

- 1. David Charette, 134 Bayview Avenue - not seeking reappointment

Barboza/Herreshoff - Voted unanimously to send a letter of thanks for service to Mr. Charette.

- h. Bristol Warren Regional Joint Finance Committee (6) (to include Council Chairman and Town Administrator or designee, terms to expire December 2012)

- 1. Council Clerk Cirillo re appointments

- a. Town Administrator Mederos re appointment

Councilman Barboza nominated the Council members to the office of Bristol Warren Regional Joint Finance Committee.

There were no counter-nominations.

Barboza/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Council Chairman Marshall, Councilman Barboza, Councilman Teixeira, Councilman Herreshoff, and Councilwoman Parella for the ensuing term.

- i. Historic District Commission

- 1. David Andreozzi, 38 Highland Road re resignation

Herreshoff/Barboza - Voted
unanimously to accept this
resignation and send a letter of
thanks for service on behalf of the
Council.

Prior to the vote taken, Council Chairman Marshall suggested
that the Clerk should communicate with the members of the
Historic District Advisory Committee in order to inform the
group of the Historic District Commission vacancy.

j. Fourth of July Committee

1. Patricia Squatrito, Corresponding
Secretary, Fourth of July Committee
re additional membership for 2011

Councilman Teixeira nominated the member as proposed by the
Fourth of July Committee.

There were no counter-nominations.

Teixeira/Herreshoff - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of the nominee
for the ensuing term.

(CA) 2. Public Service Appointments for January

G. LICENSING BOARD - NEW PETITIONS

H. LICENSING BOARD - RENEWALS

1. Scott DaSilveira, 280 Market Street, Warren,
d/b/a Scotts Landscaping Management Corp. -
six (6) month review of Drainlayer's License
(granted July 7, 2010 but not yet issued)

LATE ITEM

- a. Recommendation - Director of Public
Works

Parella/Teixeira - Voted
unanimously to revoke the approved
and never issued license without
prejudice per the recommendation of
the Director of Public Works.

2. Junk and Second Hand Dealer's License
Renewals for 2011

LATE ITEM a. Supplemental petitions

LATE ITEM b. Recommendation - Town Administrator and
Chief of Police

Herreshoff/Teixeira - Voted to grant renewal of these licenses per the recommendations received and subject to conformance to all laws and ordinances and payment of all applicable fees, taxes, and levies. Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella. Council Chairman Marshall recused himself from the vote.

(CA) I. UTILITY PETITIONS

Approval of consent agenda="Motion to approve these petitions."

(CA) 1. Public Works Director Serbst - Road Cut Permits

(CA) 2. Water Pollution Control Superintendent
Calderiso - Sewer Permits

3. National Grid and Verizon - request permission to install proposed new joint pole on Tilbury Drive

a. Recommendation - Director of Public Works

Teixeira/Barboza - Voted unanimously to grant this request based upon the recommendations received.

4. Town Administrator Mederos re street light request

a. David Prenda, 11 Peter Road - request for street light(s) on Peter Road

Teixeira/Barboza - Voted unanimously to approve this

requests based upon the
recommendations received.

J. PETITIONS - OTHER

1. Cheryl A. Skuba, 32 Ridge Road re report of injury
 - a. Peter J. Cerilli, Esquire for Cheryl A. Skuba re claim for personal injury

Herreshoff/Barboza - Voted
unanimously to refer this matter to
the Insurance Committee and also to
the Interlocal Trust if applicable.

2. Stacey Sadlier, Team Leader, RI Hope re assistance program providing support to individuals affected by 2010 flood

It is hereby noted for the record that discussion and action concerning this matter was considered concurrently with agenda item B5.

3. Holly M. Prew, 16 Mt. Hope Avenue re claim for property damage

Herreshoff/Parella - Voted
unanimously to refer this matter to
Insurance Committee and also to the
Interlocal Trust if applicable.

4. Debra A. Cabral, 191 State Street - request for removal of the handicap parking space in front of 193 State Street, **1st reading**

LATE ITEM

- a. Recommendation - Town Administrator and Chief of Police

Herreshoff/Teixeira - Voted
unanimously to consider this action
to constitute the first reading for
removal of a handicap parking
space. Continue this matter to the
meeting to be held on January 26,
2011 for second reading for
adoption.

5. Todd Roper, 30 Union Street - request for review/amendment of the Town Code pertaining to the owners of vicious breeds of dogs

Barboza/Parella - Voted unanimously to refer this matter to the Town Solicitor and Chief of Police and to consider a draft resolution for possible submission to the General Assembly at the meeting to be held on February 16, 2011.

Prior to the vote taken, Mr. Roper informed the Council of an attack by a pit bull upon his yellow Labrador retriever; this attack occurring on Hope Street during the annual tree lighting activities.

Mr. Roper reviewed in detail the circumstances of the incident as written in his correspondence to the Council. He added that the pit bull is held at the Warren Animal Control department and expressed concern that Warren may not euthanize the dog but will rather adopt it out and that this may result in another attack perhaps next time to a person.

Mr. Roper suggested that the various laws regarding vicious breed dogs are inadequate and should be revised. He added that the ordinance in the City of Pawtucket appears to be more comprehensive.

Councilman Herreshoff thanked Mr. Roper for bringing this information forward and expressed interest specifically in the more-comprehensive Pawtucket ordinance.

Assistant Solicitor Teitz noted that the attacking dog was not owned by a Bristol owner and therefore the ordinance restricting owners of vicious dog breeds would not wholly apply in this case. He added that the person possessing the dog could be charged with manslaughter if the attack was on a person. He added that the Town Code could be changed to be more restrictive with Councilman Herreshoff suggesting that the ordinance might be crafted to generally discourage ownership of vicious dogs.

Councilwoman Parella stated that it is difficult to legislate against irresponsibility and that the persons who are reckless with their animals will likely not be persuaded otherwise.

Mr. Roper agreed that the matter is one outside of the Council's direct control and is rather a statewide issue.

He added that he is not advocating for a ban on pit bull terriers since some of these get a "bad rap" due to irresponsible owners.

Mr. Roper added that he is presenting ideas with the hope that these will eventually become law similarly to the more recent drunk-driving laws. He suggested that those concerned should "put their heads around doing something."

Councilwoman Parella suggested that the General Assembly may wish to consider amendments to the criminal liability laws.

Mr. Roper explained that Florida considers an attacking-dog's owner guilty of a misdemeanor.

Council Chairman Marshall suggested that the Council could be a "conduit" to help with the Rhode Island legislature. He suggested that Mr. Roper might wish to meet with Police Chief Canario and Town Solicitor Ursillo regarding this matter and recommend some steps moving forward.

Councilman Barboza noted that the Town of Scituate bars animals at its annual art festival.

Mr. Roper stated that the ban was not a fair solution since he would prefer to take his dog to public events and that his privileges should not be impacted due to some "bad apples."

Councilwoman Parella suggested that the Florida statute should be sent to the legislative delegation with Mr. Roper informing the Council that he spoke to Representative Morrison regarding this matter and that the Representative is supportive.

Council Chairman Marshall stated that the Town can occasionally influence State law. He added that he hoped that Mr. Roper would assist.

Mr. Roper informed the Council that he would be pleased to provide assistance.

Police Chief Canario agreed that this is a statewide issue and that he will "continue to climb the mountain." He added that he assisted Mr. Roper with the Attorney General and would continue to work on the issue.

Mr. Roper thanked Police Chief Canario for the assistance of the Police Department.

Helen Motta (no address given) informed the Council that her dog was also attacked by a pit bull terrier on Bradford Street. She reported that the dog is recovering from the attack and that the handler of the pit bull smugly informed her husband "I guess I have the alpha-dog."

She added that she is now concerned that this person has her name and address since she and her husband filed a police report and that she is not informed of the name of the pit bull owner since there were no witnesses to the altercation.

She suggested that those persons purchasing a vicious breed should be required to have a "waiting period" similarly to those purchasing firearms. She added that she supports the ideas as proposed by Mr. Roper.

Councilwoman Parella asked to know the time and place of the alleged dog-attack with Ms. Motta responding that the attack took place at approximately 5:15 o'clock PM near the Congregational Church on Bradford Street.

Councilman Herreshoff agreed that the issue appears to be one for the legislature. He suggested that Police Chief Canario should look at State law and also at the Town ordinances concerning vicious dogs.

Councilwoman Parella suggested that any legislative proposal must reach the General Assembly prior to the end of February.

- a. Lois A. C. Ferreira, 53 Sowams Road re request for consideration to amend the Town Code restricting animals from various events

Barboza/Parella - Voted unanimously to continue this matter pending the Town Solicitor's review of and report concerning the Scituate ordinance.

Prior to the vote taken, Ms. Ferreira reported that she brought her two small dogs to the Fourth of July concerts at Independence Park and "ran away" from a pit bull terrier attack. She added that dogs tend to get "jittery" at busy activities and suggested that the Council should enact an ordinance to stop dog attendance at public events "for the safety of animals and children."

Ms. Ferreira informed the Council that she spoke to the Town of Scituate which recently banned dogs from attending the annual Art Festival. She added that the Town Clerk of Scituate told her that the festival was "the best ever" attributing this improvement to the lack of dogs.

Ms. Ferreira suggested that the Council "must do something now" and that the dogs are "better off at home."

Ms. Ferreira also suggested that the police department might issue fines to those who violate the regulations and that the Town of Scituate may be able to provide some enforcement suggestions.

Councilwoman Parella stated that she is inclined to agree with Ms. Ferreria. She added that "dogs go crazy when the BTA fires cannons" and also seem to be negatively stirred when there are fireworks.

Ms. Ferreira noted that the Labor Day concert was "ridiculous" with "every other person with a dog." She added that dogs "freak out" with noise and also that the Town Solicitor should speak to Scituate regarding that town's regulations.

Mr. Roper noted that there is already an ordinance regarding the prohibition of dogs at the Fourth of July parade. He added that his dog was "socialized" at public events and that this socialization may not have been possible otherwise.

Councilwoman Parella suggested that an ordinance might outline two or three "major events" and shouldn't consider smaller events.

Councilman Barboza stated that it is not possible to legislate common sense.

6. N. Diane Davis, Parent Advisor, Mt. Hope High School Marching Band Parents Association re request for support of MHHS Marching Band trip to the Disney World Festival of Music in Orlando, Florida

Barboza/Parella - Voted unanimously to appropriate \$500 from the Council Contingency fund to support this activity.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Director of Community Development Williamson re dedication of land along the north side of (91) Kickemuit Avenue, Assessor's Plat 133, Lot 132; condition of Sales family (VMM, LLC) subdivision approval

Herreshoff/Teixeira - Voted
unanimously to accept this donation
of land with thanks to the
developer.

Prior to the vote taken, Director of Community Development Williamson reported that this land donation was consistent with others in the area and that its purpose is to provide for eventual widening of the street. Director of Community Development Williamson added that this land donation was a requirement of the Planning Board's review of the project.

2. Robert B. Rapoza, Director of Elections, State Board of Elections re request to draft resolution in support of legislation eliminating the number of voters allowed in a polling place

LATE ITEM

- a. (Draft) resolution (existing legislation attached)

Teixeira/Parella - Voted
unanimously to adopt this
resolution as prepared and
presented.

Prior to the vote taken, the Clerk explained that this request is in support of a recommendation of the State Board of Elections and that it will generally save money in many of the cities and towns. He added that the legislation, if approved, will provide the local Board of Canvassers, in cooperation with the State Board better flexibility to redefine polling districts where light voter turnout is anticipated.

3. Wendy J.W. Marshall, CMC, Middletown Town Clerk re request for support of resolution encouraging the return of the America's Cup competition to the City of Newport

Herreshoff/Barboza - Voted
unanimously to support this
resolution as presented.

4. Town Administrator Mederos re "Notable Mention" given to the new Rescue and Fire Department Headquarters building in the November 2010 issue of *Fire Chief Magazine*

Barboza/Herreshoff - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Town Administrator Mederos noted that the subject article "speaks for itself." She added that this article was another reason for the Town of Bristol to be proud of its new Fire Department building.

Council Chairman Marshall noted that the building is the first of its kind to be LEEDS certified and also that all involved in its construction should be congratulated.

5. Town Administrator Mederos re Second Amendment to Memorandum of Understanding between the Town of Bristol and Roger Williams University

Barboza/Teixeira - Voted
unanimously to approve this Second
Amendment and also to authorize the
Council Chairman to sign on behalf
of the Council.

Prior to the vote taken, Town Administrator Mederos reported that this amendment allows for Town personnel to take on-line courses, these previously being excluded from the agreement. She added that she has endeavored for this amendment since the availability of on-line courses is a "big boon" to those young persons who are unable to attend regularly scheduled classes at the University.

Councilman Teixeira asked to know if the agreement was retroactive with Town Administrator Mederos noting that the document presented contained a typographical error and that the agreement will be effective on January 25, 2011.

6. Councilman Herreshoff re early budget action

Barboza/Teixeira - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Councilman Herreshoff noted that there appears to be "an accumulative decision" on behalf of the Council not to raise taxes and that last year the Council avoided a tax increase by "raiding the surplus." He added an assumption that there would not be sufficient surplus to use this year similarly and asked for Town Treasurer Goucher to confirm this. Councilman Herreshoff added that as a result of this action, the Town may be short \$2 million and suggested that the Council may wish to schedule an early work-session prior to the formal budget deliberations.

Councilman Herreshoff added a suggestion that the Town may wish to adopt a "hiring freeze" and not fill any positions for one year.

Council Chairman Marshall informed Councilman Herreshoff that he objected to Councilman Herreshoff's comments regarding the Council's "rubber stamp" of the Town Administrator's budget with Councilman Herreshoff retracting the statement noting that he placed same in order to "get the attention" of the Council.

Councilman Herreshoff added that he was concerned since the Town cannot provide less funding to the schools as in the previous year.

Council Chairman Marshall stated that it has been a goal of the Council to maintain a tax rate "as level as possible."

Council Chairman Marshall also took exception to Councilman Herreshoff's comment regarding a "raid" on the Town's surplus. Council Chairman Marshall noted that the approved collection rate typically provides a surplus which can be then applied to offset the next year's taxes.

Councilman Barboza noted that the collection rate may fluctuate from year to year.

Council Chairman Marshall noted that there appears to be already a self-imposed "hiring freeze." He added that there has not appeared to be an excessive amount of hiring in the recent past.

Councilman Herreshoff stated that he does not wish to impact current employees but rather that the Town should consider a realignment of duties when an employee retires or resigns.

Town Administrator Mederos reported that it has been her practice to do exactly what Councilman Herreshoff suggests.

Town Administrator Mederos also explained that she recognizes the budget challenges and began the budget process with the various departments prior to Christmas.

It was suggested that the Finance liaisons should arrange to meet with Town Administrator Mederos and Town Treasurer Goucher.

Councilwoman Parella suggested that the Council may wish to have a preliminary meeting on the budget with Town Treasurer Goucher perhaps on the same day as the planned workshop with the Town's auditors.

Councilman Barboza stated that he was "disappointed with the language" presented in Councilman Herreshoff's memorandum since Councilman Herreshoff did not appear to have ideas for budget cuts during the last round of budget sessions. He added that the Council appeared to do a good job with the Town's budget since Town services were maintained.

Councilman Herreshoff again apologized for the "rough language" and again relayed that his purpose was to "get attention" from the Council regarding the gravity of the budget situation.

7. Director of Community Development Williamson re proposed Economic Development Commission recommendations concerning ordinance and fee revisions

Parella/Teixeira - Voted to instruct the Town Solicitor to prepare an amendment to the Town Code eliminating the fee for Holiday Sales Licenses, substituting a late paperwork approval fee of \$25 for same; to reduce the fee for regular Junk and Second Hand Licenses from \$25 to \$10, to change the Town's policy in that notice for new Junk and Second Hand Licenses may be sent to abutting property owners via regular First Class Mail versus Certified Mail with Return Receipt and to refer memorandum item 3 to the Historic District Advisory Committee. Voting in favor of this motion were Council members

Barboza, Teixeira, Herreshoff and Parella. Council Chairman Marshall recused himself from the "Junk and Second Hand" portion of the discussion and vote since he has family members in this business.

Prior to the vote taken, Director of Community Development Williamson explained that a large component of the cost of the Junk and Second Hand License approval process is the Town policy to send notices to abutters via Certified Mail. She added that this was not previously an issue but the large number of property owners, particularly in the recently developed Stone Harbour Condominiums, has escalated this cost.

Assistant Solicitor Teitz stated that there appears to be no State law requiring notice beyond regular mail. He added that the State law apparently precludes a no-charge license for Junk and Second Hand sales in that the statute appears to require a fee of at least \$10.

Keith Maloney, Chairman of the Economic Development Commission explained that the request for the waiver and reduction in these license fees would indicate the Town's support for the local merchants.

8. Coastal Resources Management Council re notice of public hearing on proposed changes to the RI Coastal Management Program has been rescheduled to January 25, 2011 (from January 11, 2011)

Herreshoff/Teixeira - Voted unanimously to receive and place this matter on file.

9. Town Treasurer Goucher re request to schedule a workshop concerning the annual audit

Barboza/Herreshoff - Voted unanimously to schedule a workshop concerning the annual audit for Wednesday, February 2, 2011 with an alternate date of February 9, 2011.

Prior to the vote taken, Town Treasurer Goucher agreed to check upon the availability of Mr. Champi for the suggested dates. The Council also agreed that a preliminary budget workshop would be held concurrently with this workshop.

10. Council Chairman Marshall re request to schedule a workshop with Boards and Commissions

Barboza/Herreshoff - Voted unanimously to schedule a special meeting to include a workshop with the Planning and Zoning Boards and Historic District Commission for either February 2 or February 9 depending upon the schedule of the audit workshop as noted in agenda item K9 above.

Prior to the vote taken, Assistant Solicitor Teitz noted that it may be advisable to include an agenda item concerning the regulations relating to ethics and open meetings at this workshop.

11. Council Chairman Marshall re Robert's Rules concerning Council decorum

Barboza/Herreshoff - Voted unanimously to receive and place this matter on file.

It is hereby noted for the record that the discussion and vote concerning this agenda item took place prior to the Consent Agenda as noted above.

Prior to the vote taken, Council Chairman Marshall noted that he would prefer if the Council would observe Robert's Rules of Order in that he would appreciate that there should be no "outbursts and over-speak" during Council meetings.

Council Chairman Marshall asked that members should exercise a "professional courtesy" and wait to be recognized prior to speaking.

Councilman Herreshoff agreed with Council Chairman Marshall that there is occasionally more than one member speaking at any one time and that speaker comments should remain "concise and on topic."

Council Chairman Marshall also stated that he expects the audience to also be courteous and that there should be no shouting allowed. He explained that those speaking should also wait to be recognized and to provide their name and

address to the Clerk who is responsible to include this information in the official record of the meeting.

Councilman Herreshoff stated that it should be considered a privilege to speak and that it may be necessary to "have it cut off a bit." He quoted New England Patriots Coach Bill Belichick, saying "when you win you should say little; when you lose you should say less."

Assistant Solicitor Teitz noted that the application of Robert's Rules should include those specifically intended for small bodies (Robert's Rules of Order Newly Revised, Page 9 - Boards and Committees) since the basic rules are geared more toward large assemblies.

Assistant Solicitor Teitz suggested that the Council may wish to adopt the rules concerning small boards and committees.

Councilwoman Parella noted that the Council's less-formal practice appears to have worked acceptably, thus far, and she questioned as to whether or not the Council was prepared to wait to be called upon prior to speaking.

L. BILLS & EXPENDITURES

1. Bid #717 - Service Contract for Emergency Generators (Water Pollution Control Department)

Barboza/Teixeira - Voted
unanimously to refer this matter to
the Town Administrator and Water
Pollution Control Superintendent in
order that they may act in the best
interest of the Town.

Prior to the vote taken, the Clerk read the following bids as received:

South Shore Generator	E. Wareham, MA	\$2,705
Weld Power Service Co.	Auburn, MA	1,595

2. Bid #718 - Removal of Boiler & Water Heater and Installation of Two (2) Peerless Boilers & One (1) Weil McLain Water Heater (Police Station)

Herreshoff/Teixeira - Voted
unanimously to grant the Town

Administrator and the Director of Community Development permission to go to the open market regarding this item.

Prior to the vote taken, the Clerk reported that no bids were received. After a discussion concerning same, Director of Community Development Williamson requested permission to go to the open market for this item.

3. Bid #720 - Window Restoration Project
(Burnside Building)

Herreshoff/Teixeira - Voted unanimously to refer this matter to the Town Administrator and Director of Community Development to act in the best interest of the Town.

Prior to the vote taken the Clerk read the following bids as received:

Scott's Woodworks	Warren, RI	Phase 1	-	\$ 26,620
		Phase 1a	-	13,300
		Phase 2	-	49,905
Peter Paltrineri Company	Bristol, RI	Phase 1	-	\$ 20,675
		Phase 1a	-	11,137
		Phase 2	-	48,451
Plan B Construction Co., LLC	Barrington, RI	Phase 1	-	\$ 15,000
		Phase 1a	-	7,800
		Phase 2	-	40,000
Heritage Restoration, Inc.	Providence, RI	Phase 1	-	\$ 67,000
		Phase 2	-	109,125
		Option 1	-	9,975
Raymond Construction Co.	Bristol, RI	Phase 1	-	\$186,400
		Phase 1a	-	45,800
		Phase 2	-	173,500

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

Approval of consent agenda="Motion to receive and place this item on file."

1. (Town Treasurer Goucher) re Revenue and Expenditure Statement, December 30, 2010

P. PROCLAMATIONS & CITATIONS

- (CA) R. DISTRIBUTIONS/COMMUNICATIONS (to be received and filed by Council)

Approval of consent agenda="Motion to receive and place these items on file."

1. Council Clerk Cirillo to E. Keith Maloney re thank you for service on the Redevelopment Agency
2. Town Administrator Mederos to Gorman Roofing, Inc. of Cumberland, RI re award of Bid #709 - Roof/Hose Tower Repair/Improvements (Ever Ready Fire Station)
3. Town Administrator Mederos to Advantage Glass of Cranston, RI re award of Bid #707 - Doors/Windows Replacement (Defiance Fire Station)
4. Drainlayer's License Renewal petitions (granted November 10, 2010)

LATE ITEM

- a. Supplemental petition
5. Holiday Sales License Renewal petitions (granted November 10, 2010)

LATE ITEM

- a. Supplemental petition
6. Amusement Devices License Renewal petition (granted November 10, 2010)
7. Victualling License Renewal petitions (granted November 10, 2010)
8. Intoxicating Beverage License Renewal petitions (granted November 10, 2010)
9. Council Clerk Cirillo to Director of Public Works Serbst re handicap parking space designated in front of 52 Thompson Avenue
10. Council Clerk Cirillo to Martin D. Wencek, Supervisor for Applications, Office of Water

Resources/Permitting Section, Rhode Island
Department of Environmental Management re
objection to application of Joshua Securo

- a. Martin D. Wencek, RIDEM to Joshua Securo, 1776 Bicentennial Way, Apt. F-5, North Providence, RI re notice of denial concerning proposed project at property located on Peck Avenue (Assessor's Plat 63, Lots 1, 2 & 3)
11. St. Elizabeth Church/Holy Trinity, 577 Wood Street - Class F1 Intoxicating Beverage License for December 4, 2010
12. Warrant - Victor G. Cabral, Jr., Historic District Commission
13. (Bristol County Water Authority) re BCWA in the News, Miscellaneous Correspondence November 2010
14. Coastal Resources Management Council - Semi-Monthly Meeting, November 16, 2010
15. Coastal Resources Management Council - November 2010 Calendar (amended November 17, 2010)
16. Coastal Resources Management Council - Semi-Monthly Meeting, November 23, 2010
17. Town Solicitor Ursillo to Federal Energy Regulatory Commission (FERC) re request that the issue of bridge closings due to LNG deliveries be included in the 18 bulleted identified issues of general concern
18. Warrant - Ronald E. Roscoe, Waypoysset Trust
19. Melinda L. Thies, Superintendent, Bristol Warren Regional School District re invitation to Community Forum on Education hosted by Commissioner Gist on December 14, 2010
20. Coastal Resources Management Council - December 2010 Calendar
21. Warrant - Michael A. Lenarcic, Post Retirement Benefits Fund - Board of Trustees

22. Frank J. Karpinski, Executive Director, ERSRI Board (Employees' Retirement System of Rhode Island Board) re Memorandum #35 concerning elected municipal officials and participation in the Municipal Employees' Retirement System (MERS)
23. Rhode Island Clean Water Finance Agency re 2010 Annual Report and Financial Statements for the years ended June 30, 2010 and 2009
24. (Bristol County Water Authority) re BCWA in the News, Miscellaneous Correspondence December 2010
25. Warrant - Michael A. Ursillo, Town Solicitor
26. Warrant - Andrew M. Teitz, Assistant Town Solicitor
27. Warrant - Nancy E. Letendre, Assistant Town Solicitor
28. Warrant - Scott A. Ritch, Assistant Town Solicitor
29. Warrant - Paul S. Ryan, Assistant Town Solicitor
30. Warrant - Jeanne M. Scott, Assistant Town Solicitor
31. Warrant - Marshall J. Netto, Town Sergeant
32. Warrant - Richard B. Abilheira, Probate Judge
33. Warrant - Jacqueline M. Grasso, Municipal Court Judge
34. Warrant - Jane F. Howlett, First Associate Municipal Court Judge
35. Warrant - Paul Silva, Second Associate Municipal Court Judge
36. Warrant - Richard C. Sousa, Sr., Municipal Court Bailiff

37. Coastal Resources Management Council - Semi-Monthly Meeting, December 14, 2010
38. Tom Dean, Project Coordinator, New England Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission to Gary Demers, Dodge Mill Realty, LLC of Attleboro, MA re acceptance letter for preliminary permit application
 - a. Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission re notice concerning proposed project of Dodge Mill Realty, LLC
39. Council Clerk Cirillo to Gregg Landes, Vice President, Project Manager, Weaver's Cove Energy re request to schedule a public forum
40. Town Clerk/Council Clerk to William J. Delaney, Esq. re Class BV Intoxicating Beverage License renewal granted on November 10, 2010 to Prince Investment Group, LLC (d/b/a Ricc's North End Trattoria), 200 Gooding Avenue
41. Quitclaim Deed re conveyance of property located on Narrows Road (Assessor's Plat 149, Lots 40 and 41) from Craig S. D'Ambra to the Town of Bristol (land evidence recorded copy)

(CA) RR. DISTRIBUTIONS/NOTICE OF MEETINGS
(office copy only)

Approval of consent agenda="Motion to receive and place these items on file."

1. Zoning Board of Review - December 6, 2010
2. Substance Abuse Prevention Task Force - November 15, 2010
3. Bristol Warren Regional School Committee - November 15, 2010
4. Bristol Warren Regional School Committee - Future Enrollment & Facilities Task Force, November 17, 2010

5. Bristol County Water Authority - December 2010 Meetings
6. Animal Shelter Capital Project Committee - November 18, 2010
7. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - November 18, 2010
8. Bristol Warren Regional School District - Schedule of Meetings, Week of November 22, 2010
9. Bristol Warren Regional School Committee - Personnel/Contract Negotiation Subcommittee, November 22, 2010
10. Bristol Warren Regional School Committee - November 22, 2010
11. Recreation Board - November 30, 2010
12. Bristol Warren Regional School District - Schedule of Meetings, Week of November 29, 2010
13. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee, November 29, 2010
14. Bristol County Water Authority - Audit Finance Committee - December 1, 2010
15. Bristol County Water Authority - Engineering Committee, December 1, 2010
16. Bristol County Water Authority - Public Relations/Personnel Committee, December 1, 2010
17. Bristol County Water Authority - Board of Directors, December 8, 2010
18. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - December 2, 2010

19. Bristol Warren Regional School District -
Schedule of Meetings, Week of December 6,
2010
20. Harbor Commission - December 6, 2010
21. Conservation Commission - December 14, 2010
22. Bristol Warren Regional School Committee -
Personnel/Contract Negotiation Subcommittee,
December 10, 2010
23. Bristol County Water Authority - January 2011
Meetings
24. Bristol Warren Regional School Committee -
BWEA Contract Negotiation Team of the
Personnel/Contract Negotiation Subcommittee,
December 13, 2010
25. Bristol Warren Regional School Committee -
Budget/Facilities Subcommittee, December 13,
2010
26. Bristol Warren Regional School Committee -
Personnel/Contract Negotiation Subcommittee,
December 13, 2010
27. Bristol Warren Regional School Committee -
December 13, 2010
28. Animal Shelter Capital Project Committee -
December 16, 2010
29. Bristol Warren Regional School District -
Schedule of Meetings, Week of December 20,
2010
30. Bristol Warren Regional School Committee -
BWEA Contract Negotiation Subcommittee,
December 20, 2010
31. Bristol Warren Regional School Committee -
Budget/Facilities Subcommittee, December 20,
2010
32. Historic District Advisory Committee -
Inaugural Meeting, January 3, 2011
33. Zoning Board of Review - January 3, 2011

34. Bristol Warren Regional School Committee -
BWEA Contract Negotiation Subcommittee,
January 3, 13 & 26, 2011
35. Affordable Housing Advisory Committee - 2011
Meeting Schedule
36. Bristol Housing Authority - 2011 Meeting
Schedule
37. Bristol Warren Regional School Committee -
2011 Meeting Schedule
38. Christmas Festival Committee - 2011 Meeting
Schedule
39. Conservation Commission - 2011 Meeting
Schedule
40. Democrat Town Committee - 2011 Meeting
Schedule
41. Downtown Public Building Reuse Plan Blue
Ribbon Committee - 2011 Meeting Schedule
42. Economic Development Commission - 2011
Meeting Schedule
43. Harbor Commission - 2011 Meeting Schedule
44. Historic District Commission - 2011 Meeting
Schedule
45. Municipal Court - 2011 Hearing Dates
46. North and East Burial Grounds Commission -
2011 Meeting Schedule
47. Personnel Board - 2011 Meeting Schedule
48. Planning Board - 2011 Meeting Schedule
49. Recreation Board - 2011 Meeting Schedule
50. Redevelopment Agency - 2011 Meeting Schedule
51. Republican Town Committee - 2011 Meeting
Schedule

52. Substance Abuse Prevention Task Force - 2011 Meeting Schedule
53. Zoning Board of Review - 2011 Meeting Schedule
54. Post Retirement Benefits Fund - Board of Trustees - January 4, 2011
55. Conservation Commission - January 3, 2011

S. TOWN SOLICITOR

1. Solid Waste and Recycling Services Agreement between the Rhode Island Resource Recovery Corporation and the Municipality (Town of Bristol)

Parella/Barboza - Voted unanimously to ratify this contract per past practice.

Prior to the vote taken, Assistant Solicitor Teitz reported that this contract with RIRRC was similar to those executed in the past.

2. Request for Executive Session pursuant to RIGL §42-46-5 (a) (2) Litigation - 423 Hope Street Redevelopment, LLC vs. Evelyn Spagnolo in her capacity as Tax Assessor for the Town of Bristol

It is hereby noted for the record that this agenda item was considered and voted at the conclusion of the public agenda.

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Thanks to Clerk's Office - Council Chairman Marshall thanked the Clerk's Office, especially the Deputy Town Clerk, for preparing a calendar for Council activities.

b. Mike Davis' Birthday - Council Chairman Marshall noted that Mike Davis will be celebrating his birthday on January 28, 2011.

c. Teixeira's First Meeting - Council Chairman Marshall congratulated Councilman Teixeira upon the completion of his first regular meeting.

d. Commendations - Council Chairman Marshall, with the Council in agreement, suggested that the Clerk might prepare commendations for Ann Morrill of the Kickemuit River Council and also Hildeberto "Herbie" Moitoso upon his recent honor as "New England Patriots Fan of the Year."

e. Viola's Liquor Store - Council Chairman Marshall noted that Mr. Moitoso is celebrating his 25th year as proprietor of Viola's Liquor Store.

2. BARBOZA

a. Fire Department/Bristol Rotary Food Drive - Councilman Barboza announced that the annual Fire Department/Bristol Rotary Club food drive will be held on Sunday, January 30, 2011.

b. Chairman's Birthday - Councilman Barboza noted that Council Chairman Marshall celebrated his birthday on January 4.

3. TEIXEIRA

a. Thanks to Water Pollution Control Superintendent Calderiso - Councilman Teixeira expressed his gratitude to Water Pollution Control Superintendent Calderiso who gave him a comprehensive tour of the Town's water pollution control plant.

4. HERRESHOFF

5. PARELLA

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

CITIZENS PUBLIC FORUM

Teixeira/Barboza - Voted
unanimously to adjourn into
Executive Session pursuant to RIGL

42-46-5 (a) (2) as noted in agenda item S2 above.

Barboza/Teixeira - Voted unanimously to resume open session at 11:59 o'clock PM.

Barboza/Teixeira - Voted unanimously to approve the settlement as presented, in the case 423 Hope Street Redevelopment, LLC vs. Evelyn Spagnolo in her capacity as Tax Assessor for the Town of Bristol, and authorize the Town Solicitor to sign the settlement documents.

There being no further business, upon a motion by Councilman Barboza seconded by Councilwoman Parella and voted unanimously, the Chairman declared this meeting to be adjourned at 12:00 AM, January 6, 2011.

Louis P. Cirillo, CMC, Council Clerk